

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>In re:</b>	)	
	)	
<b>SHARPE CONTRACTORS, LLC,</b>	)	Chapter 11
	)	Case No. 20-72638-pmb
<b>Debtor.</b>	)	
_____	)	

**SELECTIVE INSURANCE COMPANY'S  
NOTICE OF RULE 2004 EXAMINATION OF  
THEODORE SHANE TRAVIS SHARPE  
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Selective Insurance Company ("Selective"), by the undersigned attorney, will examine Theodore Shane Travis Sharpe, under oath on June 2, 2021 at 1:00 p.m. at the office of:

Will B. Geer  
Wiggam & Geer, LLC  
50 Hurt Plaza, SE, Suite 1150  
Atlanta, GA 30303  
Tel: 678-587-8740

The examination may continue from day to day until completed. If the examinee receives this notice less than 14 days prior to the scheduled examination date, the examination will be rescheduled upon timely request to a mutually agreeable time.

The examination is pursuant to Bankruptcy Rule 2004 and Local Rule 2004-1, and will be recorded by this method: Court Reporter. The scope of the examination shall be as described in Bankruptcy Rule 2004. Pursuant to Local Rule 2004-1(B) no order shall be necessary as Mr. Sharpe is appearing for deposition and producing documents by

consent.

Request for Production: The examinee or your representatives must also produce to counsel for Selective at its offices 1201 West Peachtree Street, Suite 2610, Atlanta, Georgia 30309, no later than 5:00 p.m. on May 25, 2021, the documents, electronically stored information, or objects described on the attached schedule marked **Exhibit “A”**, and must permit inspection, copying, testing, or sampling of the materials at that time.

/s/ E.A. “Seth” Mills, Jr.  
E.A. “Seth” Mills, Esq.  
Georgia Bar No. 978007  
Brent J. Beaver, Esq.  
Georgia Bar No. 332820  
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/s/ Alberta L. Adams  
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Admitted Pro Hac Vice

*Attorneys for Selective  
Insurance Company of America*

**IN THE UNITED STATES BANKRUPTCY COURT  
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<b>In re:</b>	)	
	)	
<b>SHARPE CONTRACTORS, LLC,</b>	)	Chapter 11
	)	Case No. 20-72638-pmb
<b>Debtor.</b>	)	
_____	)	

**CERTIFICATE OF SERVICE**

I CERTIFY that a true and correct copy of the within and foregoing **Selective Insurance Company's Notice of Rule 2004(A) Examination of Theodore Shane Travis Sharpe and Production of Documents** was served upon all parties to this matter by U.S. Mail or by the CM/ECF system which will send a notice of electronic filing to the following:

Will B. Geer, Esq.  
Wiggam & Geer, LLC  
50 Hurt Plaza, SE, Ste 1245  
Atlanta, GA 30303  
[wgeer@wiggamgeer.com](mailto:wgeer@wiggamgeer.com)

Office of the U.S. Trustee  
Ricard B. Russell Federal Building  
75 Ted Turner Dr SW #362  
Atlanta, GA

*Counsel for Debtor*

Sharpe Contractors, LLC  
425 Highway 23, Ste 204  
Suwanee, GA 30024

Shane Sharpe  
425 Highway 23, Ste. 204  
Suwanee, GA 30024

This 12<sup>th</sup> day of May, 2021.

MILLS PASKERT DIVERS

/s/ E.A. "Seth" Mills, Jr.

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Admitted Pro Hac Vice

*Attorneys for Selective  
Insurance Company of America*

**EXHIBIT “A” -- ATTACHMENT TO  
SELECTIVE INSURANCE COMPANY’S  
NOTICE OF RULE 2004 EXAMINATION OF  
THEODORE SHANE TRAVIS SHARPE**

**I. DEFINITIONS**

1. The words “you,” “your,” and/or “yours,” shall refer to you, Theodore Shane Travis Sharpe, in any capacity, including under any current or former names that you may have been known by or referred to as, including other legal names and variations, nicknames, abbreviations, misspellings, and aliases, as well as your present or former affiliates, agents, attorneys, representatives, or any other persons or entities acting, or purporting to act, on your behalf.

2. “Debtor” means and refers to Sharpe Contractors, LLC, and other any persons, entities, affiliates, agents, attorneys, or representatives acting, or purporting to act, on its behalf.

3. “Selective” means and refers to Selective Insurance Company, and other any persons, entities, affiliates, agents, attorneys, or representatives acting, or purporting to act, on his behalf.

4. “Bonded Projects” means and refers to the Panorama Project, Holiday Inn Express Project and the Tru Hotel Northlake Parkway Project on which Selective issued bonds on behalf of the Debtor.

5. “Bonded Contract Funds” means and refers to contract funds paid or to be paid (including retainage) in connection with the Bonded Projects.

6. “Document” is defined in the broadest terms permitted by the Bankruptcy Rules of Procedure, and means, without limitation, any digital or electronic data, writing, recording or photograph in your actual or constructive possession, custody, care or control, which pertains directly or indirectly, in whole or in part, either to any of the subjects listed below, or to any other matters relevant to the issues in this action, or which are themselves listed below as specific documents, including, but not limited to, all items that embody handwritten, typed, printed, oral, visual, or electronic communications or representations, agreements, letters, carbon copies of letters, telegrams, telexes, correspondence, messages, minutes, bulletins, circulars, notices, specifications, computer printouts, microfilms, motion picture films, videotapes, kinescopes, sound instructions, literature, books, magazines, newspapers, booklets, work assignments, reports, charts, ledgers, invoices, recordings, photographs, studies, analysis, surveys, memoranda, memoranda of conversations, notes, notebooks, diaries, data sheets, work sheets, calculations, and drafts of the aforesaid.

7. “Related to” means pertains to, refers to, contains, concerns, describes, reflects, embodies, mentions, identifies, constitutes, supports, corroborates, demonstrates, analyzes, proves, evidences, shows, comments on, refutes, disputes, rebuts, controverts, contradicts, or connects to in any way.

8. “Person” means any individual, corporation, proprietorship, partnership, trust, association, governmental entity or department, agency, bureau, or political subdivision thereof, or any other entity.

9. The singular includes the plural and vice versa, to make the document request inclusive rather than exclusive.

10. The past tense is construed to include the present tense, and vice versa, to make the document request inclusive rather than exclusive.

11. References to one gender include the masculine, feminine and neuter to make the document request inclusive rather than exclusive.

12. The terms “and” or “or” are both conjunctive and disjunctive.

13. The term “including” means “including without limitation.”

14. The terms “any,” “all,” and “each” are interchangeable as necessary to call for the broadest possible response.

## **II. DOCUMENT REQUESTS**

1. A list of all projects bid on by any entity in which Shane Sharpe holds or held an interest from January 1, 2019 to the present including, without limitation, JMK.
2. All contracts entered into any entity in which Shane Sharpe holds or held an interest from January 1, 2019 to the present including, without limitation, JMK.
3. All documents relating to the formation of any entity in which Shane Sharpe holds or held an interest from January 1, 2019 to the present including, without limitation, JMK.
4. Bank Statements for all accounts on which Shane Sharpe is or was an authorized signatory or held any interest whatsoever for the time period of January 1, 2019 to the present.
5. All financial statements of Shane Sharpe prepared, compiled, issued or dated at any time during the past three years.

6. All tax returns for Shane Sharpe for tax years 2018, 2019 and 2020 including, without limitation, all income tax returns, tangible personal property tax returns, intangible personal property income tax returns, sales tax returns, whether made to federal, state or local government agencies (including 940 and 941 returns), together with any attached schedules and K-1 forms.
7. All tax returns for any entity in which Shane Sharpe has or had any interest for tax years 2018, 2019 and 2020 including, without limitation, all income tax returns, tangible personal property tax returns, intangible personal property income tax returns, sales tax returns, whether made to federal, state or local government agencies (including 940 and 941 returns), together with any attached schedules and K-1 forms.
8. All documents reflecting Shane Sharpe's ownership interest in any real property during the past three years.
9. All documents evidencing mortgages, liens, judgments, security interests, encumbrances or other claims affecting any immovable or movable property in which Shane Sharpe holds or held any interest during the past three years.
10. All documents reflecting the transfer of any interest in any real property by Shane Sharpe during the past three years, including all documents showing the consideration received by Shane Sharpe for the transfer.
11. All documents evidencing transfers or conveyances (by sale, gift or otherwise) of any other assets of Shane Sharpe valued at over \$5,000.00 during the past three years, including all documents reflecting the consideration received by Shane Sharpe for the transfer.
12. All statements from January 1, 2019 to the present for all certificates of deposit, mutual funds, annuities, stocks or bonds, life insurance policies or other financial investments held by Shane Sharpe during that time period, whether currently owned or not.
13. Title certificates to any automobiles, aircraft, watercraft or other vehicles owned by Shane Sharpe at any time since January 1, 2019.
14. All documents reflecting the ownership interest of Shane Sharpe in any corporation or other business entity.
15. All financial statements and balance sheets prepared during the past three



years regarding all corporations, limited liability companies and other business entities in which Shane Sharpe has or had any interest whatsoever.

16. All statements for all bank accounts including, but not limited to, checking, savings, money market and other investment accounts, in the name of any corporation, limited liability company or other business entity in which Shane Sharpe has or had any interest from January 1, 2019 to the present.
17. Bank Statements for all the Debtor's and its affiliates' bank accounts for the time period of January 1, 2019 to present.
18. Signature cards for all the Debtor's and affiliates' bank accounts for the time period of January 1, 2019 to present.
19. Check registers for all of the Debtor's and its affiliates' bank accounts for the time period of January 1, 2019 to present.
20. All documents reflecting the Debtor's receipt and use of Bonded Contract Funds.
21. All tax returns for the Debtor for tax years 2018, 2019 and 2020 including, without limitation, all income tax returns, tangible personal property tax returns, intangible personal property income tax returns, sales tax returns, whether made to federal, state or local government agencies (including 940 and 941 returns), together with any attached schedules and K-1 forms.
22. List of the names, addresses, telephone numbers, and email addresses for each of the Debtor's CPA(s) and Payroll provider(s) for the period of January 1, 2019 to the present.
23. The Debtor's audited financial statements, unaudited financial statements, compiled financial statements, or reviewed financial statements prepared within three (3) years prior to the petition date. If financial statements (of any kind) do not exist for any year, provide periodic internal managerial or operational reports.
24. Any and all documents evidencing any and all purchases, sales or transfers of the Debtor's stock, real estate or assets during the past three years.
25. Job cost reports, sorted by job, for each of the Bonded Projects.
26. Accounts Payable, sorted by job, for each of the Bonded Projects.

27. Accounts Receivable, sorted by job, for each of the Bonded Projects.
28. Payment applications and attachments thereto for each of the Bonded Projects.
29. Payroll Register by job – from the inception of job through current date for each of the Bonded Projects.
30. All loans, settlement agreements, records of business transactions and grant of any security interests, security deeds, promissory notes or liens to any other person or entity that was also an indemnitor on any of the Bonded Projects.
31. Correspondence exchanged with any other indemnitor on the Bonded Projects about any aspects of those projects or the indemnity liability owed to Selective.
32. For those Bonded Projects where there is still work to be performed, please provide the following:
  1. Copies of all approved and pending change orders, to the extent not already provided;
  2. Cost to complete estimates, to the extent they exist;
  3. Copies of the original bid plans and updated drawings, including any red-line drawings;
  4. Subcontractor status report (updated with latest subcontractor data – subcontract amount, paid to date, billed and not paid, retention held);
  5. Copies of all subcontracts (including any addenda);
  6. Copies of any subcontractor approved and pending change orders;
  7. Copy of Debtor's original estimate detail;
  8. Copy of Debtor's original material takeoffs;
  9. Copies of all material purchase orders;
  10. Copies of all material invoices/delivery receipts;
  11. Copies of material vendor payments made to date;
  12. Copy of stored material inventory;
  13. Copies of any owner/architect/engineer punchlists;
  14. Copies of any work deficiency/non-conformance reports;
  15. Copy of latest updated construction schedule;
  16. Copy of detailed indirect cost list; and
  17. Copy of updated cost report detail.